

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SHIRLEY L. PHELPS-ROPER,)
)
 Plaintiff,)
) Case No. 2:06-cv-04156-FJG
v.)
)
CHRIS KOSTER, et. al.,)
)
 Defendants.)

UNOPPOSED MOTION OF STATE DEFENDANTS TO EXTEND CERTAIN DATES

COME NOW defendants Chris Koster, Jeremiah W. (Jay) Nixon, and James Keathley¹ (“State defendants”), in their official capacities, by and through counsel, and, with the consent of plaintiff, move this Court for the entry of an order extending the date for these defendants to respond to plaintiff’s motion to strike their jury demands (Docs. 212 and 213) and the date for plaintiff and State defendants to submit a complete set of jury instructions pursuant to Court’s Fourth Amended Case Management Order (Doc. 190) by four days, from April 26, 2010, to April 30, 2010. State defendants further seek a corresponding extension of the dates set forth in paragraphs 8 and 9 of the Court’s Fourth Amended Scheduling Order (Doc. 190) for filing proposed voir dire questions and instructions which have not been agreed upon also by four days, from May 3, 2010, to May 7, 2010, and from May 10, to May 14, 2010, respectively.

In support of this motion, these parties state as follows:

1. On April 26, 2010, plaintiff and State defendants will submit joint proposed

¹Defendant Keathley was named in this lawsuit in his official capacity as Superintendent of the Missouri State Highway Patrol. Effective March 1, 2010, Col. Ronald K. Replogle is the current Superintendent of the Missouri State Highway Patrol.

partial instructions to the clerk pursuant to Court's Fourth Amended Scheduling Order.

2. In accordance with this motion for extension of time, plaintiff and State defendants intend to supplement these instructions on Friday, April 30, 2010, with additional instructions. To the extent possible, the parties will seek to file joint instructions. To the extent that is not possible, plaintiff and State defendants will file separate instructions in accordance with the Court's Fourth Amended Scheduling Order.

3. State defendants further seek a corresponding extension of the dates set forth in paragraphs 8 and 9 of the Court's Fourth Amended Scheduling Order (Doc. 190) for filing proposed voir dire questions and instructions which have not been agreed upon also by four days, from May 3, 2010, to May 7, 2010, and from May 10, to May 14, 2010, respectively.

4. State defendants further seek to extend the time for opposing plaintiff's motion to strike their demands for a jury trial from April 26, 2010, to April 30, 2010.

5. Plaintiff consents to State defendants' request for this additional time.

6. This motion is not for the purpose of delay or any other improper purpose, but due to a medical emergency that occurred in the family of the undersigned counsel.

WHEREFORE, State defendants move this Court for the entry of an order extending the date for these defendants to respond to plaintiff's motion to strike their jury demands (Docs. 212 and 213) and the date for plaintiff and State defendants to submit a complete set of jury instructions pursuant to Court's Fourth Amended Case Management Order by four days, from April 26, 2010, to April 30, 2010. State defendants further seek a corresponding extension of the dates set forth in paragraphs 8 and 9 of the Court's Fourth Amended Scheduling Order (Doc. 190) for filing proposed voir dire questions and instructions which have not been agreed upon also by four days, from May 3, 2010, to May 7, 2010, and from May 10, to May 14, 2010,

respectively, and for such other relief as is appropriate under the circumstances.

Respectfully submitted,

CHRIS KOSTER
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CERTIFICATE OF SERVICE

I hereby certify on this 26th day of April, 2010, a copy of the foregoing was served via the Court's CM/ECF system upon the following CM/ECF participants:

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